

**PATENT COOPERATION TREATY**

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**

To:	ROBERT B. MADDEN SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402
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**NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION**

(PCT Rule 44.1)

Date of mailing (day/month/year)	
Applicant's or agent's file reference 2043659WO1	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/US 10/36907	International filing date (day/month/year) 01 June 2010 (01.06.2010)
Applicant: EBAY INC.	

1.  The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46).

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 8270

For more detailed instructions, see the notes on the accompanying sheet.

2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3.  With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.  
 no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US  
Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450, Alexandria, Virginia 22313-1450  
Facsimile No. 571-273-3201

Authorized officer:

Lee W. Young

PCT Helpdesk: 571-272-4300  
PCT OSP: 571-272-7774

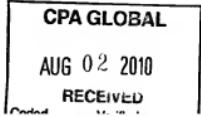
Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

Schwegman Lundberg  
& Woessner P.A.

AUG 02 2010

RECEIVED



**PATENT COOPERATION TREATY**

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**

<p>To:</p> <p>ROBERT B. MADDEN SCHWEGMAN, LUNDBERG &amp; WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402</p>	<p><b>NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION</b></p> <p>(PCT Rule 44.1)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Date of mailing (day/month/year)</td> <td style="width: 50%; padding: 5px; text-align: center;"><b>28 JUL 2010</b></td> </tr> <tr> <td style="padding: 5px;">Applicant's or agent's file reference 2043659WO1</td> <td style="padding: 5px;">FOR FURTHER ACTION See paragraphs 1 and 4 below</td> </tr> <tr> <td style="padding: 5px;">International application No. PCT/US 10/36907</td> <td style="padding: 5px;">International filing date (day/month/year) 01 June 2010 (01.06.2010)</td> </tr> <tr> <td style="padding: 5px;">Applicant: EBAY INC.</td> <td style="padding: 5px;"></td> </tr> </table>	Date of mailing (day/month/year)	<b>28 JUL 2010</b>	Applicant's or agent's file reference 2043659WO1	FOR FURTHER ACTION See paragraphs 1 and 4 below	International application No. PCT/US 10/36907	International filing date (day/month/year) 01 June 2010 (01.06.2010)	Applicant: EBAY INC.	
Date of mailing (day/month/year)	<b>28 JUL 2010</b>								
Applicant's or agent's file reference 2043659WO1	FOR FURTHER ACTION See paragraphs 1 and 4 below								
International application No. PCT/US 10/36907	International filing date (day/month/year) 01 June 2010 (01.06.2010)								
Applicant: EBAY INC.									

1.  The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
**Filing of amendments and statement under Article 19:**  
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  
When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.  
Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 8270  
For more detailed instructions, see the notes on the accompanying sheet.
2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3.  With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:  
 the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.  
 no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.
4. **Reminders**  
Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparation for international publication.  
The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.  
Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 28 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.  
In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.  
See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

<p>Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201</p>	<p>Authorized officer: <b>Lee W. Young</b></p> <p>PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774</p>
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## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 2043659WO1	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US 10/36907	International filing date (day/month/year) 01 June 2010 (01.06.2010)	(Earliest) Priority Date (day/month/year) 01 June 2009 (01.06.2009)
Applicant EBAY INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
  - a. With regard to the language, the international search was carried out on the basis of:
    - the international application in the language in which it was filed.
    - a translation of the international application into \_\_\_\_\_ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
  - b.  This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6(b)(a)).
  - c.  With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.
2.  Certain claims were found unsearchable (see Box No. II).
3.  Unity of invention is lacking (see Box No. III).
4. With regard to the title,
  - the text is approved as submitted by the applicant.
  - the text has been established by this Authority to read as follows:
5. With regard to the abstract,
  - the text is approved as submitted by the applicant.
  - the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. With regard to the drawings,
  - a. the figure of the drawings to be published with the abstract is Figure No. 1 \_\_\_\_\_
    - as suggested by the applicant.
    - as selected by this Authority, because the applicant failed to suggest a figure.
    - as selected by this Authority, because this figure better characterizes the invention.
  - b.  none of the figures is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 10/36907

A. CLASSIFICATION OF SUBJECT MATTER		
IPC(8) - G06F 17/00 (2010.01)		
USPC - 715/206		
According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED		
Minimum documentation searched (classification system followed by classification symbols)		
USPC: 715/206		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
USPC: 700/90; 707/7, 999.07; 715/200, 201, 202, 205, 206, 255, 273, 277		
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)		
Dialog Classic (Chinese Pat Abstr; Derwent Index; EPFT; French Pat; Jap Abstr; USPT; WIPO/PCT PFT); Google Scholar; Preprintsonline. Terms searched: AUCTION, AUCTIONS, COMPUT, EBAY, EBAY.COM, ENGINE, FIXED, FORMAT, INCOME, LIST, NEW, NEW RATIO, ORDER, ORDER OF PRESENTATION, ORDERING, PERCENTAG, PERCENTAGE, PERCENTAGES ...		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2007/0255702 A1 (Orme) 01 November 2007 (01.11.2007); entire document, especially: para [0038]-[0040], [0068]-[0069], [0060], [0093], [0131], [0138], [0205], [0249], [0251], [0265], [0366], [0392], [0465]-[0486], [0491], [0495], [0593], [0597]	1, 9, 11, 18, 20
Y	HAMMOUDA et al. Efficient Phrase-Based Document Indexing for Web Document Clustering. In: IEEE Transactions on Knowledge And Data Engineering, October 2004, Vol. 16, No. 10, pp. 1279-1296. Retrieved on 18 July 2010 from the Internet at URL: <a href="http://winnow.uwaterloo.ca/pub/hammouda/hammouda-ieee-tkde-oct04.pdf">http://winnow.uwaterloo.ca/pub/hammouda/hammouda-ieee-tkde-oct04.pdf</a> ; especially, p 1289 para 3	2-8, 10, 12-17, 19
Y	US 2008/0046336 A1 (Mosleh) 21 February 2008 (21.02.2008); entire document, especially: para [0051]-[0052], [0060]	2-3, 10, 12-13, 19
		4-8, 14-17
<input type="checkbox"/> Further documents are listed in the continuation of Box C.		<input type="checkbox"/>
<p>* Special categories of cited documents</p> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier publication or patent but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> <p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>"E" document member of the same patent family</p>		
Date of the actual completion of the international search		Date of mailing of the international search report
18 July 2010 (18.07.2010)		<b>28 JUL 2010</b>
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US, Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201		Authorized officer:  Lee W. Young
PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774		

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To: ROBERT B. MADDEN  
SCHWEGMAN, LUNDBERG & WOESSNER,  
P.A.  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

<p>Applicant's or agent's file reference 2043659WO1</p>		<p>Date of mailing (day/month/year) <b>28 JUL 2010</b></p>	<p>FOR FURTHER ACTION See paragraph 2 below</p>
<p>International application No. PCT/US 10/36907</p>	<p>International filing date (day/month/year) 01 June 2010 (01.06.2010)</p>	<p>Priority date (day/month/year) 01 June 2009 (01.06.2009)</p>	
<p>International Patent Classification (IPC) or both national classification and IPC IPC(8) - G06F 17/00 (2010.01) USPC - 715/206</p>			
<p>Applicant EBAY INC.</p>			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citation and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201</p>	<p>Date of completion of this opinion <b>20 July 2010 (20.07.2010)</b></p>	<p>Authorized officer: Lee W. Young PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774</p>
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Form PCT/ISA/237 (cover sheet) (July 2009)

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US 10/36907

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:  
 the international application in the language in which it was filed.  
 a translation of the international application into \_\_\_\_\_ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2.  This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
  - a. (means)  
 on paper  
 in electronic form
  - b. (time)  
 in the international application as filed  
 together with the international application in electronic form  
 subsequently to this Authority for the purposes of search
4.  In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US 10/36907

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2, 8, 10, 12-17, 19	YES
	Claims	1, 9, 11, 18, 20	NO
Inventive step (IS)	Claims	None.	YES
	Claims	1-20	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims	None.	NO

2. Citations and explanations:

Claims 1, 9, 11, 18 and 20 lack novelty under PCT Article 33(2) as being anticipated by US 2007/0255702 A1 (Orme).

Regarding claim 1, Orme discloses a computer-implemented system (para [0080]) comprising: a search request detector to receive a search request (para [0093]); a search engine to determine search results based on the search request (para [0093]), the search results comprising a first set of items in a first format and a second set of items in a second format (para [0085]-[0069], [0485]-[0486] and [0491]), a number of items in the first set and the number of items in the second set reflecting a target ratio (para [0039]-[0040], [0205], [0251], [0496] and [0597]); and an interminger to determine an order of presentation of the search results in a list of search results based on the target ratio (para [0038], [0069], [0131], [0597]).

Regarding claim 9, Orme discloses the system of claim 1, as applied above. Orme further discloses wherein the search request is related to searching for information on the World Wide Web (para [0136]).

Regarding claim 11, Orme discloses a computer-implemented method (para [0080]) comprising: using one or more processors (para [0080] and [0392] to perform operations of: receiving a search request (para [0093]); determining search results based on the search request, the search results comprising a first set of items in a first format and a second set of items in a second format (para [0085]-[0069], [0485]-[0486] and [0491]), a number of items in the first set and the number of items in the second set reflecting a target ratio (para [0040]-[0205], [0251], [0496] and [0597]); and determining an order of presentation of the search results in a list of search results based on the target ratio (para [0038], [0069], [0131], [0597]).

Regarding claim 18, Orme discloses the method of claim 11, as applied above. Orme further discloses wherein the search request is related to searching for information on the World Wide Web (para [0138]).

Regarding claim 20, Orme discloses a machine-readable medium (para [0080] and [0693]) having instruction data to cause a machine to: receive a search request (para [0093]); determine search results based on the search request (para [0093]), the search results comprising a first set of items in a first format and a second set of items in a second format (para [0085]-[0069], [0485]-[0486] and [0491]), a number of items in the first set and the number of items in the second set reflecting a target ratio (para [0039]-[0040], [0205], [0251], [0496] and [0597]); and determine an order of presentation of the search results in a list of search results based on the target ratio (para [0038], [0069], [0131], [0597]).

Claims 2-3, 10, 12-13 and 19 lack an inventive step under PCT Article 33(3) as being obvious over Orme in view of the article entitled "Efficient Phrase-Based Document Indexing for Web Document Clustering" by Hammouda et al. (hereinafter "Hammouda").

Regarding claim 2, Orme discloses the system of claim 1, as applied above. Orme further discloses wherein the interminger is to: select an item from the first set and position it in the list of search results (para [0068]-[0069], [0485]-[0486] and [0491]). However, Orme does not explicitly disclose determining a first new ratio between items from the first set in the list of search results and items from the second set in the list of search results, assuming a next selected item is from the first set. However, Hammouda does disclose determining a first new ratio between items from the first set in the list of search results and items from the second set in the list of search results, assuming a next selected item is from the first set (p 1269, para 3). It would have been obvious to one having ordinary skill in the art at the time of the applicant's claimed invention to modify the system of Orme to include determining a first new ratio between items from the first set in the list of search results and items from the second set in the list of search results, assuming a next selected item is from the first set, as disclosed by Hammouda, to optimize, based on the target ratio, the order of presentation of the search results.

Regarding claim 3, Orme and Hammouda teach the system of claim 2, as applied above. Hammouda further discloses wherein the interminger is to: determine that the first difference is less than the second difference (p 1269, para 3), and select the next item from the first set of items in the first format and position it in the list of search results as the next item (p 1269, para 3).

--continued In Supplemental Box--

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US 10/36907

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box No. V.2: Citations and explanations

Regarding claim 10, Orme discloses the system of claim 1, as applied above. Hammouda further discloses wherein the target ratio is associated with a target exposure percentage for items in the first format (para [0039]-[0040], [0205], [0251], [0496] and [0597]), and the interminglar is to: determine a first exposure percentage in the list of search results for items from the first set, assuming a next selected item is from the first set (para [0039]-[0040], [0205], [0251], [0496] and [0597]), determine a second exposure percentage in the list of search results for items from the first set, assuming the next selected item is from the second set (para [0039]-[0040], [0205], [0251], [0496] and [0597]); compare a first difference between the first new exposure percentage and the target exposure percentage with a second difference between the second new exposure percentage and the target exposure percentage (para [0039]-[0040], [0205], [0251], [0496] and [0597]); and select a next item for positioning in the list of search results from the first set or from the second set, based on a result of the comparing (para [0038], [0069], [0131], [0597]). However, Orme does not explicitly disclose a new exposure percentage. However, Hammouda does disclose a new exposure percentage (p 1289, para 3). It would have been obvious to one having ordinary skill in the art at the time of the applicant's claimed invention to modify the system of Orme to include a new exposure percentage, as disclosed by Hammouda, to optimize, based on the target ratio, the order of presentation of the search results.

Regarding claim 12, Orme discloses the method of claim 11, as applied above. Orme further discloses wherein the determining of the order of presentation of the search results comprises: selecting an item from the first set and positioning it in the list of search results (para [0068]-[0069], [0485]-[0486] and [0491]); determining a first ratio between items from the first set in the list of search results and items from the second set in the list of search results, assuming a next selected item is from the first set (para [0039]-[0040], [0205], [0251], [0496] and [0597]); determining a second ratio between items from the first set in the list of search results and items from the second set in the list of search results, assuming the next selected item is from the second set (para [0039]-[0040], [0205], [0251], [0496] and [0597]); determining a second ratio between items from the first set in the list of search results and items from the second set in the list of search results, assuming the next selected item is from the second set (para [0039]-[0040], [0205], [0251], [0496] and [0597]). However, Orme does not explicitly disclose a new ratio and comparing a first difference between the first new ratio and the target ratio with a second difference between the second new ratio and the target ratio; and selecting a next item for positioning in the list of search results from the first set or from the second set, based on a result of the comparing. However, Hammouda does disclose a new ratio and comparing a first difference between the first new ratio and the target ratio with a second difference between the second new ratio and the target ratio; and selecting a next item for positioning in the list of search results from the first set or from the second set, based on a result of the comparing. However, Hammouda, to optimize, based on the target ratio, the order of presentation of the search results.

Regarding claim 13, Orme discloses the method of claim 12, as applied above. Hammouda further discloses wherein the selecting of the next item for presentation comprises: determining that the first difference is less than the second difference (p 1289, para 3); and selecting the next item from the first set of items in the first format and positioning it in the list of search results as the next item (p 1289, para 3).

Regarding claim 19, Orme discloses the method of claim 11, as applied above. Hammouda further discloses wherein the target ratio is associated with a target exposure percentage for items in the first format (para [0039]-[0040], [0205], [0251], [0496] and [0597]), the determining of the order of presentation of the search results comprising: determining a first exposure percentage in the list of search results for items from the first set, assuming a next selected item is from the first set (para [0039]-[0040], [0205], [0251], [0496] and [0597]); determining a second exposure percentage in the list of search results for items from the first set, assuming the next selected item is from the second set (para [0039]-[0040], [0205], [0251], [0496] and [0597]); comparing a first difference between the first exposure percentage and the second exposure percentage with a second difference between the second exposure percentage and the second target exposure percentage (para [0038], [0069], [0131], [0597]); and selecting a next item for positioning in the list of search results from the first set or from the second set, based on a result of the comparing (para [0038], [0069], [0131], [0597]). However, Orme does not explicitly disclose a new exposure percentage. However, Hammouda does disclose a new exposure percentage (p 1289, para 3). It would have been obvious to one having ordinary skill in the art at the time of the applicant's claimed invention to modify the method of Orme to include a new exposure percentage, as disclosed by Hammouda, to optimize, based on the target ratio, the order of presentation of the search results.

-continued in Supplemental Box--

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US 10/36907

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box No. V.2. Citations and explanations

Claims 4-8, and 14-17 lack an inventive step under PCT Article 33(3) as being obvious over Orme in view of US 2008/0046336 A1 (Mosleh).

Regarding claim 4, Orme discloses the system of claim 1, as applied above. However, Orme does not explicitly disclose wherein the search request is related to an on-line trading platform. However, Mosleh does disclose wherein the search request is related to an on-line trading platform (para [0060]). It would have been obvious to one having ordinary skill in the art at the time of the applicant's claimed invention to modify the system of Orme to include wherein the search request is related to an on-line trading platform as disclosed by Mosleh as search requests pertaining to online trading are a common search type of information from which a vast amount of data needs to be sorted to find the optimal search results that match a user's search request.

Regarding claim 5, Orme and Mosleh teach the system of claim 4, as applied above. Mosleh further discloses wherein the first format is associated with auction items available via the on-line trading platform (para [0052]).

Regarding claim 6, Orme and Mosleh teach the system of claim 4, as applied above. Mosleh further discloses wherein the first format is associated with fixed-price items available via the on-line trading platform (para [0051]).

Regarding claim 7, Orme and Mosleh teach the system of claim 4, as applied above. Orme further discloses an adjusting module to periodically update the target ratio based on revenue associated with items in the first format and items in the second format (para [0039]-[0040], [0249] end [0266] and [0597]).

Regarding claim 8, Orme and Mosleh teach the system of claim 7, as applied above. Orme further discloses wherein the adjusting module is to: monitor, over a period of time, revenue associated with items in the first format and revenue associated with items in the second format (para [0039]-[0040], [0249] and [0266] and [0597]); determine that the monitored revenue associated with items in the first format is greater than monitored revenue associated with items in the second format (para [0039]-[0040], [0249] and [0266] and [0597]); and adjust the target ratio to increase exposure of items in the first format (para [0039]-[0040], [0249], [0266] and [0597]).

Regarding claim 14, Orme discloses the method of claim 11, as applied above. However, Orme does not explicitly disclose wherein the search request is related to an on-line trading platform. However, Mosleh does disclose wherein the search request is related to an on-line trading platform (para [0060]). It would have been obvious to one having ordinary skill in the art at the time of the applicant's claimed invention to modify the method of Orme to include wherein the search request is related to an on-line trading platform as disclosed by Mosleh as search requests pertaining to online trading are a common search type of information from which a vast amount of data needs to be sorted to find the optimal search results that match a user's search request.

Regarding claim 15, Orme and Mosleh teach the method of claim 14, as applied above. Mosleh further discloses wherein the first format is associated with auction items available via the on-line trading platform (para [0052]).

Regarding claim 16, Orme and Mosleh teach the method of claim 14, as applied above. Orme further discloses periodically updating the target ratio based on revenue associated with items in the first format and items in the second format (para [0039]-[0040], [0249] end [0266] and [0597]).

Regarding claim 17, Orme and Mosleh teach the method of claim 16, as applied above. Orme further discloses wherein the updating of the target ratio comprises: monitoring, over a period of time, revenue associated with items in the first format and revenue associated with items in the second format (para [0039]-[0040], [0249] and [0266] and [0597]); determining that the monitored revenue associated with items in the first format is greater than the monitored revenue associated with items in the second format (para [0039]-[0040], [0249] and [0266] end [0597]); and adjusting the target ratio to increase exposure of items in the first format (para [0039]-[0040], [0249], [0266] end [0597]).

Claims 1-20 have industrial applicability as defined by PCT Article 33(4) because the subject matter can be made or used in industry.

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annex B).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, International Phase, paragraph 296).

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet or sheets containing a complete set of claims in replacement of all the claims previously filed must be submitted.

Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively in Arabic numerals (Section 205(a)).

**The amendments must be made in the language in which the international application is to be published.**

#### What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

## SEQUENCE LISTINGS AND TABLES RELATED THERETO IN INTERNATIONAL APPLICATIONS FILED IN THE U.S. RECEIVING OFFICE

The Administrative Instructions (AIs) under the Patent Cooperation Treaty (PCT), in force as of **July 1, 2009**, contain important changes relating to the manner of filing, and applicable fees for, sequence listings and/or tables related thereto (sequence-related tables) in international applications. The complete text may be accessed at <http://www.wipo.int/pct/en/texts/index.htm>.

**Effective July 1, 2009**, Part 8 and Annex C-*bis* will no longer form part of the AIs. Part 8 was introduced in 2001 as a temporary solution to problems arising from the filing of very large sequence listings on paper and provided for a *sequence listing forming part of the international application* to be filed in electronic form on physical medium (e.g., CD), together with the remainder of the application on paper. In 2002, Part 8 was expanded to include sequence-related tables and Annex C-*bis* was added to provide technical requirements. All applicants may now file complete international applications in electronic form, eliminating the need for these temporary provisions.

### **I. AIs PART 8 AND ANNEX C-BIS DELETED AS OF JULY 1, 2009**

- A) **Sequence-related tables cannot be filed as a separate part of the description or in text format.** They must be provided as an integral part of the international application either:
  - in PDF format as part of an international application filed in electronic form via EFS-Web; or
  - on paper as part of an international application filed on paper.
- B) **A sequence listing forming part of an international application** may be provided either:
  - in electronic form, as part of an international application filed in electronic form via EFS-Web, in
    - Annex C/ST.25 text format (preferred); or
    - PDF format; or
  - on paper as part of an international application filed on paper.
- C) **A sequence listing not forming part of the international application (for search under PCT Rule 13ter) in Annex C/ST.25 text format**
  - is not required where the *sequence listing forming part of the international application* was filed in Annex C/ST.25 text format as part of an international application filed in electronic form via EFS-Web
  - is required for search where the *sequence listing forming part of the international application* was filed in PDF
  - is required for search on physical medium (e.g., CD) where the *sequence listing forming part of the international application* was filed on paper as part of an international application filed on paper.

### **II. CALCULATION OF THE INTERNATIONAL FILING FEE AND FEE REDUCTION UNDER AI § 707**

- A) **A sequence-related table** must form an integral part of the international application and will incur FULL page fees with no upper limit.
- B) **A sequence listing forming part of an international application** filed:
  - via EFS-Web in Annex C/ST.25 text format will incur NO page fees;
  - on paper or in PDF format will incur FULL page fees with no upper limit.

### **III. AVAILABILITY OF SEQUENCE LISTINGS SUBMITTED FOR SEARCH UNDER PCT RULE 13TER**

International Searching Authorities will be required to transmit to the International Bureau a copy of an Annex C/ST.25 text format sequence listing provided for search under PCT Rule 13ter. Any such sequence listing will be made available on PATENTSCOPE® (*sequence listings forming part of the international application* are already available).

### **IV. JULY 2009 REQUEST (PCT/RO/101)**

The Request now has two options for the last sheet: one for paper filings; and one for EFS-Web filings. The July 2009 Request may be accessed at <http://www.wipo.int/pct/en/forms/index.htm>.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

**The following examples illustrate the manner in which amendments must be explained in the accompanying letter:**

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

**It must be in the language in which the international application is to be published.**

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/I/PEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1(b)(1), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*. National Chapters.